

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSEPH BELILE (08-A-3707),

Plaintiff,

-vs-

C.O. JOHN DOE #1,  
C.O. JOHN DOE #2,  
C.O. JONATHAN MURPHY,  
SGT. MICHAEL BACKER,

Defendants.

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**STIPULATION AND  
ORDER OF SETTLEMENT**  
10-CV-6501

WHEREAS, plaintiff, JOSEPH BELILE (08-A-3707), commenced the above Action alleging that the defendants violated his constitutional, statutory, administrative and/or civil rights during plaintiff's incarceration in the New York State Correctional Services system;

WHEREAS, the parties are interested in resolving all the remaining issues alleged in the complaint in this action, subsequent amended complaint(s) and/or proposed amended complaint(s) in this action, and have negotiated in good faith for that purpose;

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties to the above-captioned action are desirous of discontinuing the litigation;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows:

1. The parties hereby agree that the hereinabove captioned action is dismissed and discontinued with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

2. Any and all of the claims for damages by plaintiff, which are the subject of this litigation, including all claims and facts relating to the incidents alleged in the complaint, amended complaint(s) and/or proposed amended complaint(s) and any claims or causes of action, including but not limited to any state, federal or administrative claims or causes of action, that could have been asserted by plaintiff against the defendants and any of the Department of Corrections and Community Supervision Services current or former employees, officers or representatives arising out of any of the incidents alleged in the complaint, amended complaint(s) and/or proposed amended complaint(s) are hereby settled for the sum of five hundred dollars (\$500.00) in full satisfaction of all claims for damages, costs, disbursements, and fees in this court and in any other court or administrative agency.

3. A check in payment of the sum recited in paragraph #2 herein above shall be drawn to the order of the plaintiff and mailed to Joseph Belile, c/o Segar & Sciortino, PLLC, 400 Meridian Centre, Suite 320, Rochester, New York 14618.

4. In consideration of the payment of the sum recited in paragraph #2 hereinabove the plaintiff, JOSEPH BELILE (08-A-3707), hereby releases the defendants, and any and all current or former employees, officers and/or representatives of the New York State Department of Corrections and Community Supervision, in his/her/their individual and official capacities, and his/her/their heirs, executors, administrators and assigns, and the State of New York and the New York

State Department of Correctional Services, from any and all claims, including but not limited to state, federal or administrative claims, liabilities and causes of action arising out of the circumstances set forth in the complaint, amended complaint(s) and/or subsequent proposed amended complaint(s) in the above-captioned action.

5. Nothing in this So Ordered Stipulation of Settlement shall be constructed as an admission or concession of liability whatsoever by the defendants or the State of New York, the New York State Department of Correctional Services regarding any of the allegations made by the plaintiff in his complaint, amended complaint(s) and/or proposed amended complaint(s) herein including but not limited to claims that the plaintiff's rights under the Federal or New York State Constitutions or Statutes had been violated and all other claims set forth in the complaint and subsequent amended complaint(s).

6. Payment of the amount recited in paragraph #2 hereinabove is subject to the approval of all appropriate New York State officials in accordance with the provisions for indemnification under New York Public Officers Law Section 17.

7. Payment of the amounts recited in paragraph #2 hereinabove will be made within one hundred twenty (120) days after the approval of this stipulation by the Court and receipt by defendant's counsel of a copy of the fully executed so-ordered stipulation of settlement as entered by the Court. In the event that the aforesaid payment is not made within the one hundred twenty (120) day period, interest shall accrue on the outstanding principal balance at the rate set forth in 28 U.S.C. § 1961 beginning on the one hundred twenty-first (121) day after receipt by defendants' counsel of a copy of the fully executed so-ordered stipulation of settlement.

8. This Stipulation and Order of Settlement shall have no precedential value or effect whatsoever and shall not be admissible in any other action, proceeding and/or administrative forum as evidence or for any other purpose except in an action or proceeding to enforce this Ordered Stipulation of Settlement.

9. Nothing contained herein constitutes an admission of liability for any cause of action or fact alleged by Plaintiff in the underlying action hereto, by the State of New York, its executive agencies or the Defendants.

10. Nothing contained herein constitutes a waiver by the State of New York, its executive agencies or the Defendants of any rights held pursuant to federal and state law or by contract in any other proceedings not subject to this Settlement Order.

11. This Stipulation and Order of Settlement embodies the entire agreement of the parties in this manner.

Dated: March 28<sup>th</sup>, 2013, Joseph Belile  
JOSEPH BELILE  
NYDC IO # ending 7845

STATE OF New York  
COUNTY OF St Lawrence ) ss.:

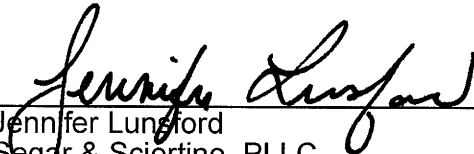
On the 28 day of MARCH, 2013, before me personally came JOSEPH BELILE and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me the execution thereof.


Georgette L. Davis  
Notary Public

GEORGETTE L. DAVIS  
Notary Public, State of New York  
St. Law. Cty. Reg. No. 01005070301  
My Commission Expires December 9, 2014

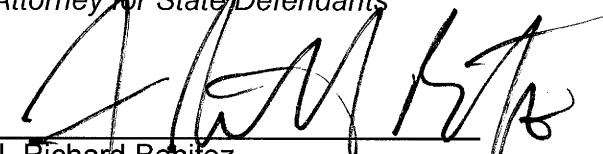
Re: Stipulation + Order of Settlement  
10-CV-6501

Dated: April 1, 2013 JENNIFER LUNSFORD  
*Attorney for Plaintiff*

  
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Jennifer Lunsford  
Segar & Sciortino, PLLC  
400 Meridian Centre, Suite 320  
Rochester, New York 14618  
jlunsford@segarlaw.com

Dated: April 3, 2013  


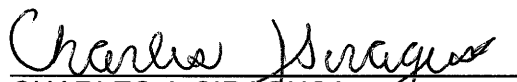
ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York  
*Attorney for State Defendants*

  
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J. Richard Benitez  
Assistant Attorney General, Of Counsel  
NYS Office of the Attorney General  
144 Exchange Boulevard, Suite 200  
Rochester, New York 14614  
Telephone: (585) 546-7430  
Richard.benitez@ag.ny.gov

IT IS SO ORDERED,

Dated: APR. 8 2013

ENTER:

  
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CHARLES J. SIRAGUSA  
United States District Judge